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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 03/10/2004  
Herten, Burstein, Sheridan, Cevalco,  
Bottinelli & Litt, L.L.C.  
Court Plaza North  
25 Main Street  
Hackensack, NJ 07601

EXAMINER

COLETTA, LORI L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 03/10/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,541	08/19/2003	Joseph Farino	LIT-020 CIP	4269

TITLE OF INVENTION: VEHICLE THEFT PREVENTION DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	06/10/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

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Herten, Burstein, Sheridan, Cevasco,  
 Bottinelli & Litt, L.L.C.  
 Court Plaza North  
 25 Main Street  
 Hackensack, NJ 07601

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$665	\$300	\$965	06/10/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
COLETTA, LORI L	3612	296-065150

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)	(Date)
<p>NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.</p> <p>This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.</p> <p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</p>	

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EXAMINER

COLETTA, LORI L

ART UNIT PAPER NUMBER

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**

Application No.

10/643,541

Examiner

Lori L. Coletta

Applicant(s)

FARINO, JOSEPH

Art Unit

3612

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on 4 March 2004.
2. ☒ The allowed claim(s) is/are 1-5, 9-15 and 19-29.
3. ☒ The drawings filed on 19 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 03082004.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Lori L. Coletta*  
Lori L. Coletta  
Examiner  
Art Unit: 3612  
3/8/2004

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arnold D. Litt on March 4, 2004.

The application has been amended as follows:

1. A theft prevention device for vehicles employing a powered seat system to automatically control the position of a vehicle seat movably situated on parallel guide rails to enable the seat to move forwardly or rearwardly, wherein the vehicle seat includes a seat member and a lumbar support member and a lumbar support member, ~~which move independent of one another~~, which move relative to one another, the theft prevention device comprising:

a security module integrated with the powered seat system, the security module being programmed to instruct the powered seat system to move the vehicle seat between an original position and a forward security position with the seat member and lumbar support member moved forward to prevent a thief from accessing a the passenger compartment of the vehicle; and

a gearing mechanism linking the seat member and the lumbar support member for controlled forward movement of the seat member and the lumbar support member to a ~~fully forward position~~ the forward security position flush with a forward most position within a the passenger compartment of the vehicle, wherein the gearing mechanism includes a lumbar gear

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with teeth over an arc distance sufficient to facilitate full forward rotation of the lumbar support member to the forward security position flush with the forward most position within the passenger compartment of the vehicle;

wherein selective actuation of the security module causes the security module to instruct the powered seat system to move the seat member forward along the guide rails and rotate the lumbar support member fully forward from its original position to ~~a~~ the forward security position flush with the forward most position within a the passenger compartment of the vehicle and causes the security module to instruct the powered seat system to move the seat member and lumbar support member back to their original positions.

2. The theft prevention device according to claim 1, further including a trigger switch linked to the security module for sending a trigger event signal instructing the security module when an individual leaves the vehicle or when an individual returns to the vehicle, the trigger switch sending a first trigger event signal to the security module when ~~an~~ the individual leaves the vehicle and a second trigger event signal when the individual returns to the vehicle;

wherein initiation of the first trigger event signal causes the security module to instruct the powered seat system to move the seat member forward along the guide rails and rotate the lumbar support member fully forward from its original position to a the forward security position flush with forward most position within a the passenger compartment of the vehicle, and initiation of the second trigger event signal causes the security module to instruct the powered seat system to move the seat member and lumbar support member back to their original positions.

Claims 6-8 have been cancelled.

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9. A vehicle provided with a theft prevention device comprising

a powered seat system to automatically control the position of a vehicle seat movably situated on parallel guide rails to enable the seat to move forwardly or rearwardly, wherein the vehicle seat includes a seat member and a lumbar support member, ~~which moves independently of one another~~ which move relative to one another, the theft prevention device comprising:

a security module integrated with the powered seat system, the security module being programmed to instruct the powered seat system to move the vehicle seat between an original position and a forward security position with the seat member and the lumbar support member moved forward to prevent a thief from accessing a ~~the~~ passenger compartment of the vehicle; and

a gearing mechanism linking the seat member and the lumbar support member for controlled forward movement of the seat member and the lumbar support member to ~~a fully forward position~~ the forward security position flush a forward most position within a the passenger compartment of the vehicle, wherein the gearing mechanism includes a lumbar gear with teeth over an arc distance sufficient to facilitate full forward rotation of the lumbar support member to the forward security position flush with the forward most position with the passenger compartment of the vehicle;

wherein selective actuation of the security module causes the security module to instruct the powered seat system to move the seat member forward along the guide rails and rotates the lumbar support member fully forward from its original position to a the security position flush with the forward most position within a the passenger compartment of the vehicle and causes the

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security module to instruct the powered seat system to move the seat member and lumbar support member back to their original positions.

10. The theft prevention device according to claim 9, further including a trigger switch linked to the security module for sending a trigger event signal instructing the security module when an individual leaves the vehicle or when an individual returns to the vehicle, the trigger switch sending a first trigger event signal to the security module when ~~an~~ the individual leaves the vehicle and a second trigger event signal when the individual returns to the vehicle;

wherein initiation of the first trigger event signal causes the security module to instruct the powered seat system to move the seat member forward along the guide rails and rotate the lumbar support member fully forward from its original position to a the forward security position flush with the forward most position within a the passenger compartment of the vehicle, the initiation of the second trigger event signal causes the security module to instruct the powered seat system to move the seat member and lumbar support member back to their original positions.

Claims 16-18 have been cancelled.

19. A theft prevention device for vehicles employing a powered seat system to automatically control the position of a vehicle seat movably situated on parallel guide rails to enable the seat to move forwardly or rearwardly, wherein the vehicle seat includes a seat member and a lumbar support member, ~~which move independent of one another~~ which move relative to one another, the theft prevention device comprising:

a security module integrated with the powered seat system, the security module being programmed to instruct the powered seat system to move the vehicle seat between an original



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position and a forward security position with the seat member and lumbar support member moved forward to prevent a thief from accessing a the passenger compartment of the vehicle; and

a gearing mechanism linking the seat member and the lumbar support member for controlled forward movement of the seat member and the lumbar support member to the forward security position flush with a forward most position within the passenger compartment of the vehicle, wherein the gearing mechanism includes a lumbar gear with teeth over an arc distance sufficient to facilitate full forward rotation of the lumbar support member to the forward security position flush with the forward most position within the passenger compartment of the vehicle;

a trigger switch linked to the security module for sending a trigger signal instructing the security module with an individual leaves the vehicle or when an individual returns to the vehicle, the trigger switch sending a first trigger event signal to the security module when ~~an~~ the individual leaves the vehicle and a second trigger event signal when the individual returns to the vehicle;

wherein initiation of the first trigger event signal causes the security module to instruct the powered seat system to move the seat member forward along the guide rails and rotate the lumbar support member forward from its original position to a the forward security position, and initiation of the second trigger event signal causes the security module to instruct the powered seat system to move the seat member and lumbar support member back to their original positions; and

the security module further including a power switch connected to a vehicle electric power system for selectively connecting or disconnecting from the vehicle power system circuit,

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whereby, when the seat member and lumbar support member are in the forward security position, the power switch is disconnected from the vehicle electric power system circuit thereby preventing a the thief from activating the power switch during a break in of the vehicle.

24. A vehicle provided with a theft prevent device comprising:

a powered seat system to automatically control the position of a vehicle seat movably situated on parallel guide rails to enable the seat to move forwardly or rearwardly, when the vehicle seat includes a seat member and a lumbar support member, ~~which move independent of one another~~ which move relative to one another, the theft prevention device comprising:

a security module integrated with the powered seat system, the security module being programmed to instruct the powered seat system to move the vehicle seat between an original position and a forward security position with the seat member and lumbar support member moved forward to prevent a thief from accessing ~~the~~ a passenger compartment of the vehicle; and

a gearing mechanism linking the seat member and lumbar support member for controlled forward movement of the seat member and the lumbar support member to the forward security position flush with a forward most position within the passenger compartment of the vehicle, wherein the gearing mechanism included a lumbar gear with teeth over an arc distance sufficient to facilitate full forward rotation of the lumbar support member to the forward security position flush with the forward most position with the passenger compartment of the vehicle;

a trigger switch linked to the security module for sending a trigger event signal instructing the security module when an individual leaves the vehicle or when an individual returns to the vehicle; the trigger switch sending a first trigger event signal to the security module

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when ~~an~~ the individual leaves the vehicle and a second trigger event signal when the individual returns to the vehicle;

wherein initiation of the first trigger signal causes the security module to instruct the powered seat system to move the seat member forward along the guide rails and rotate the lumbar support member forward from its original position to a the forward security position, and initiation of the second trigger event signal causes the security module to instruct the powered seat system to move the seat member and lumbar support member back to their original positions; and

the security module further including a power switch connected to a vehicle electric power system for selectively connecting or disconnecting power from the vehicle electric power system circuit, whereby, when the seat member and lumbar support member are in the forward security position, the power switch is disconnected from the vehicle electric power system circuit thereby preventing a the thief from activating the power switch during a break in of the vehicle.

2. The following is an examiner's statement of reasons for allowance:

The recitations of the specific features of the theft prevention device in claims 1, 9, 19 and 24 including especially the construction of the gearing mechanism linking the seat member and lumbar support member for controlled forward movement of the seat member and the lumbar support member to the forward security position flush with a forward most position within the passenger compartment of the vehicle, wherein the gearing mechanism included a lumbar gear with teeth over an arc distance sufficient to facilitate full forward rotation of the lumbar support member to the forward security position flush with the forward most position

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with the passenger compartment of the vehicle is not taught nor is fairly suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lori L. Coletta  
Examiner  
Art Unit 3612

*Lori L. Coletta*  
Lori L. Coletta  
March 8, 2004